



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,736	03/01/2000	Jon C. Zaring	ODS-11	3221

7590 09/20/2004

G. Victor Treyz
Fish & Neave
1251 Avenue of the Americas
New York, NY 10020-1104

EXAMINER

WOO, RICHARD SUKYOON

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,736

Applicant(s)

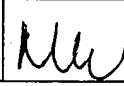
ZARING ET AL.

Examiner

Richard Woo

Art Unit

3629



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 17, 2004 has been entered.

Response to Arguments

2) Applicant's arguments filed June 17, 2004 have been fully considered but they are not persuasive.

In response to the applicants' argument that the combination of Brenner with LaDue does not show or suggest all elements of applicants' Claims, the examiner respectfully traverses it. Especially, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). LaDue is not merely cited to show "a cellular telephone" but to teach a wireless gaming system as evidenced in Figs. 9-9B. Brenner et al. discloses systems and processes for gaming providing a two-way communications link, the purpose disclosed by LaDue, the wireless communications link, can be

incorporated into the traditional landline link of Brenner et al. to enable the user to enjoy the interactive gaming anywhere and anytime.

Further, the newly added limitations do not distinguish the applicants' invention over the prior arts because "presenting data in audio form or visual form" is already disclosed by either Brenner et al. (see col. 4, line 61 – col. 5, line 2; video or audio message) and LaDue (see Figs. 9 and 9B; col. 10, lines 61-65 including not only video message but also a full voice service); and "presenting the data on the races that have not been run..." is also disclosed in Claims of Brenner et al. (e.g., see Claim 1).

In response to applicant's argument that LaDue does not provide a sufficient motivation to combine with Brenner et al. and there is no suggestion to combine the references, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. As recited earlier, both Brenner et al. and LaDue are from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications link (either landline or wireless) and LaDue clearly teaches the advantage of a portable, two way data communications game, where the user can place bets from a remote location (col. 2, lines 1-5).

Art Unit: 3629

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5) Claims 1-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, lines 5, 10, the recitations of "may" render the claim indefinite because it is not clear and definite whether wagers are actually placed or not.

Claims 32, 35, 36, 37, 40 and 41 suffer the identical indefiniteness.

Claim Rejections - 35 USC § 101

6) 35 U.S.C. 101 reads as follows:

Art Unit: 3629

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7) Claims 41-71 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In Claim 41, the machine-readable medium (floppy disc or CD-ROM) itself can not be directed to a practical application of the invention in the useful art to accomplish a concrete, useful, and tangible result. When the computer program in the medium is actually executed by the computer, the claimed subject matter produces a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

8) Claims 1-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. (US 6,099,409) in view of LaDue (US 5,999,808).

As for Claim 1, Brenner et al. disclose a method for interactive wagering on races comprising:

receiving at the user terminal racing data on races that have not been run and for which wagers may be placed (see Claim 1);

presenting the racing data on the races that have not been run and for which wagers are placed (Id. and col. 4, lines 38-46 and see the pertinent Figs.); and

providing interactive options on the user terminal that allow the user to place a wager on a given race that has not been run (see Supra Figs. and cols.).

However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example).

Since LaDue and Brenner et al. are both from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications link (either landline or wireless), the purpose disclosed by LaDue would have been well recognized in the pertinent field of Brenner et al..

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system, as taught by LaDue, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location.

As for Claim 2, the modified method of Brenner et al. further discloses the method including the step of providing racing data to the cellular telephone from a transaction processing and subscription management system (col. 4, lines 38-46 and see the

Art Unit: 3629

pertinent Figs. of Brenner et al. and Figs. 5-9B, 11 of LaDue and the descriptions thereof).

As for Claim 3, the modified method of Brenner et al. further discloses the method including the step of displaying interactive options on the cellular telephone that allows the user with an opportunity to initiate access to the interactive wagering service (col. 2, lines 34-39 of Brenner et al.).

As for Claim 4, the modified method of Brenner et al. further discloses the method including the step of displaying an interactive option on the cellular phone that provides the user with an opportunity to initiate creation of a wager (see Supra Figs. of Brenner et al. and LaDue).

As for Claim 5, the modified method of Brenner et al. further discloses the method including the step of displaying interactive options on the terminal to provide the user with an opportunity to display race results (see col. 3, lines 15-18 of Brenner et al.).

As for Claim 6, the modified method of Brenner et al. further discloses the method including the step of viewing handicapping information on the terminal (col. 25, lines 14-24 of Brenner et al.).

As for Claim 7, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select the racetrack for the given race (col. 2, lines 47-53 of Brenner et al.).

As for Claim 8, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select the given race from a plurality of races at a plurality of racetracks (col. 2, lines 47-53 of Brenner et al.).

Art Unit: 3629

As for Claim 9, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select a desired wager type for the wager (Id.).

As for Claim 10, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select a horse on which to wager for the given race (col. 1, lines 16-17 of Brenner et al.).

As for Claim 11, the modified method of Brenner et al. further discloses the method including the step of displaying current odds for the wager on the cellular telephone in real time before the wager is placed (col. 6, lines 32-35 of Brenner et al.).

As for Claim 12, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select a wager amount for the wager (col. 2, lines 47-53 of Brenner et al.).

As for Claim 13, the modified method of Brenner et al. further discloses the method including the step of displaying an interactive option on the cellular phone to create a new wager after the wager has been created (Id.).

As for Claim 14, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to place the wager by wirelessly sending the wager to a transaction processing and subscription management system (col. 4, lines 38-46 of Brenner et al. and the purpose disclosed by LaDue).

As for Claim 15, the modified method of Brenner et al. further discloses the method including the step of displaying an interactive option on the cellular phone to delete a wager after the wager has been created (col. 15, lines 15-17 of Brenner et al.).

Art Unit: 3629

As for Claim 16, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to enter a personal ID number (col. 4, lines 46-51 of Brenner et al.).

As for Claim 17, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to request account balance information from a totalisator (col. 24, lines 46-59 of Brenner et al.).

As for Claims 18 and 19, the modified method of Brenner et al. further discloses the method including the step of using user television equipment or user computer to view race results (col. 1, lines 32-35; col. 4, lines 38-46 of Brenner et al.).

As for Claim 20, the modified method of Brenner et al. further discloses the method including the step of using a wireless data link to receive racing data from a transaction processing and subscription management system (see Supra Claim 2).

As for Claims 21-22, the modified method of Brenner et al. further discloses the method including the step of using a wireless data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a racing data collection and processing system, or a totalisator (col. 4, lines 38-46 of Brenner et al.).

As for Claim 23, the modified method of Brenner et al. further discloses the method including the step of adjusting an account of the user to reflect the outcome of the wager (col. 4, lines 38-46 of Brenner et al.).

As for Claim 24, the modified method of Brenner et al. further discloses the method including the step of adjusting an account of the user to reflect the outcome of the

Art Unit: 3629

wager and displaying results from the wager on the cellular phone (see Supra columns of Brenner et al. and LaDue).

As for Claim 25, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to set a reminder for the given race and display the reminder (col. 3, lines 19-22 of Brenner et al.).

As for Claims 26-27, the modified method of Brenner et al. further discloses the method including the step of providing the user with a reminder for the given race with the cellular telephone (see Id.).

As for Claim 28, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to reminder the user of the given race by using automatic dialing equipment to place a telephone call to the telephone and provide an audio message (col. 1, lines 13-15 of Brenner et al.; and Supra Figs. and columns of LaDue).

As for Claim 29, the modified method of Brenner et al. further discloses the method including the step of providing video for the given race (Id.).

As for Claim 30, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to set a reminder for the given race using the cellular telephone, and displaying the reminder fro the given race on the user television equipment (see Supra Brenner et al. and LaDue).

As for Claim 31, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to set a reminder for the

Art Unit: 3629

given race using the cellular telephone, and displaying the reminder from the given race on the computer (see Supra Brenner et al. and LaDue).

Regarding to Claim 32, the modified interactive wagering system of Brenner et al. in view of LaDue can implement the method claims of 1-31, and comprising:

- a transaction processing and subscription management system for handling wagers on races;

- a cellular telephone that is in wireless communication with the processing and management system; and

- the cellular telephone having a display, wherein the cellular telephone is configured to:

 - receive racing data on races that have not been run and for which wagers are placed;

 - allow the user to select to present the racing data in audio or visual form;

 - present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; and

 - provide interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run (see Supra Claim 1).

As for Claim 33, the modified system of Brenner et al. further discloses the system wherein the cellular phone is configured to receive information on the results of the given race from the a transaction processing and subscription management system and

Art Unit: 3629

is configured to display the results of the given race on the display (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al. and Figs. 5-9B, 11 of LaDue and the descriptions thereof).

As for Claim 34, the modified system of Brenner et al. further discloses the system wherein the cellular phone is configured to receive information on current odds for the given race from the transaction processing and subscription management system before the given race has been run and is configured to display the information on the current odds on the display (col. 6, lines 32-35 of Brenner et al.).

As for Claim 35, the modified system of Brenner et al. comprises:

a transaction processing and subscription management system for handling wagers on races;

equipment selected from the group consisting of: user television, computer, and non-cellular telephone, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; and

a cellular telephone that receives racing data on races that have not been run and for which wagers are placed from the processing and management system and provides wagering data to the processing and management system and that has a display, wherein the telephone is configured to:

allow a user to select to present the racing data in audio form or visual form;

Art Unit: 3629

present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; and

provide interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run, wherein the equipment is configured to display information on race results for the given race after the given has been run (see Supra Claims 1 and 32).

As for Claim 36, the modified system of Brenner et al. comprises:

a transaction processing and subscription management system for handling wagers on races;

equipment selected from the group consisting of: user television, computer, and non-cellular telephone, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; and

a cellular telephone that receives racing data on races that have not been run and for which wagers are placed from the processing and management system and provides wagering data to the processing and management system and that has a display, wherein the telephone is configured to:

allow a user to select to present the racing data in audio form or visual form; and

Art Unit: 3629

present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection (see Supra Claims 1, 32, 35).

As for Claim 37, the modified system of Brenner et al. comprises:

computer equipment that handles wagers; and

a cellular telephone being configured to:

allow a user to select to present the racing data in audio form or visual form;

present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; and

provide interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run, wherein the equipment is configured to display information on race results for the given race after the given has been run (see Supra Claims).

As for Claim 38, the modified system of Brenner et al. further discloses the invention wherein the cellular telephone is configured to receive information on results of the wager and to display the information on the results of the wager on the display (see Supra Brenner et al. and LaDue).

As for Claim 39, the modified system of Brenner et al. further discloses the invention wherein the computer equipment is part of a transaction processing and subscriber management system.

Art Unit: 3629

As for Claim 40, the modified interactive wagering system of Brenner et al. comprises:

a transaction processing and subscription management system for handling wagers on races;

equipment selected from the group consisting of: user television, computer, and non-cellular telephone, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; and

a cellular telephone that receives racing data on races that have not been run and for which wagers are placed from the processing and management system and provides wagering data to the processing and management system and that has a display, wherein the telephone is configured to:

allow a user to select to present the racing data in audio form or visual form; present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; and display account balance information for the user (see Supra Claims).

As for Claim 41, Brenner et al. disclose a machine readable medium, when executed by a processor, for:

receiving at the user terminal racing data on races that have not been run and for which wagers may be placed (see Claim 1 of Brenner et al.);

Art Unit: 3629

presenting the racing data on the races that have not been run and for which wagers are placed (Id. and col. 4, lines 38-46 and see the pertinent Figs.); and

providing interactive options on the user terminal that allow the user to place a wager on a given race that has not been run (see Supra Figs. and cols.).

However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example).

Since LaDue and Brenner et al. are both from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications link (either landline or wireless), the purpose disclosed by LaDue would have been well recognized in the pertinent field of Brenner et al..

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system, as taught by LaDue, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location.

Art Unit: 3629

As for Claim 42, the modified invention of Brenner et al. further discloses the medium for providing racing data to the cellular telephone from a transaction processing and subscription management system (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al. and Figs. 5-9B, 11 of LaDue and the descriptions thereof).

As for Claim 43, the modified invention of Brenner et al. further discloses the medium for displaying interactive options on the cellular telephone that allows the user with an opportunity to initiate access to the interactive wagering service (col. 2, lines 34-39 of Brenner et al.).

As for Claim 44, the modified invention of Brenner et al. further discloses the medium for displaying an interactive option on the cellular phone that provides the user with an opportunity to initiate creation of a wager (see Supra Figs. of Brenner et al. and LaDue).

As for Claim 45, the modified invention of Brenner et al. further discloses the medium for displaying interactive options on the terminal to provide the user with an opportunity to display race results (see col. 3, lines 15-18 of Brenner et al.).

As for Claim 46, the modified invention of Brenner et al. further discloses the medium for viewing handicapping information on the telephone (col. 25, lines 14-24 of Brenner et al.).

As for Claim 47, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select the racetrack for the given race (col. 2, lines 47-53 of Brenner et al.).

Art Unit: 3629

As for Claim 48, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select the given race from a plurality of races at a plurality of racetracks (col. 2, lines 47-53 of Brenner et al.).

As for Claim 49, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select a desired wager type for the wager (Id.).

As for Claim 50, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select a horse on which to wager for the given race (col. 1, lines 16-17 of Brenner et al.).

As for Claim 51, the modified invention of Brenner et al. further discloses the medium for displaying current odds for the wager on the cellular telephone in real time before the wager is placed (col. 6, lines 32-35 of Brenner et al.).

As for Claim 52, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select a wager amount for the wager (col. 2, lines 47-53 of Brenner et al.).

As for Claim 53, the modified invention of Brenner et al. further discloses the medium for displaying an interactive option on the cellular phone to create a new wager after the wager has been created (Id.).

As for Claim 54, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to place the wager by wirelessly sending the wager to a transaction processing and subscription management system (col. 4, lines 38-46 of Brenner et al. and the purpose disclosed by LaDue).

Art Unit: 3629

As for Claim 55, the modified invention of Brenner et al. further discloses the medium for displaying an interactive option on the cellular phone to delete a wager after the wager has been created (col. 15, lines 15-17 of Brenner et al.).

As for Claim 56, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to enter a personal ID number (col. 4, lines 46-51 of Brenner et al.).

As for Claim 57, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to request account balance information from a totalisator (col. 24, lines 46-59 of Brenner et al.).

As for Claims 58 and 59, the modified invention of Brenner et al. further discloses the medium for using user television equipment or user computer to view race results (col. 1, lines 32-35; col. 4, lines 38-46 of Brenner et al.).

As for Claim 60, the modified invention of Brenner et al. further discloses the medium for using a wireless data link to receive racing data from a transaction processing and subscription management system (see Supra Claim 2).

As for Claims 61-62, the modified invention of Brenner et al. further discloses the medium for using a wireless data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a racing data collection and processing system, or a totalisator (col. 4, lines 38-46 of Brenner et al.).

Art Unit: 3629

As for Claim 63, the modified invention of Brenner et al. further discloses the medium for adjusting an account of the user to reflect the outcome of the wager (col. 4, lines 38-46 of Brenner et al.).

As for Claim 64, the modified invention of Brenner et al. further discloses the medium for adjusting an account of the user to reflect the outcome of the wager and displaying results from the wager on the cellular phone (see Supra columns of Brenner et al. and LaDue).

As for Claim 65, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to set a reminder for the given race and display the reminder (col. 3, lines 19-22 of Brenner et al.).

As for Claims 66-67, the modified invention of Brenner et al. further discloses the medium for providing the user with a reminder for the given race with the cellular telephone (see Id.).

As for Claim 68, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to reminder the user of the given race by using automatic dialing equipment to place a telephone call to the telephone and provide an audio message (col. 1, lines 13-15 of Brenner et al.; and Supra Figs. and columns of LaDue).

As for Claim 69, the modified invention of Brenner et al. further discloses the medium for providing video for the given race (Id.).

As for Claim 70, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to set a reminder for the given race using the

Art Unit: 3629

cellular telephone, and displaying the reminder fro the given race on the user television equipment (see Supra Brenner et al. and LaDue).

As for Claim 71, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to set a reminder for the given race using the cellular telephone, and displaying the reminder fro the given race on the computer (see Supra Brenner et al. and LaDue).

Conclusion

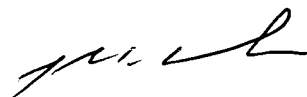
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo
Patent Examiner
GAU 3629
September 12, 2004



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600